

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ENCOMPASS HOME & AUTO INSURANCE
COMPANY,

Plaintiff,

v.

RANDY LUKE; DEDRA CHILDERS; CRS
HEATING & AIR, INC.; and FARMERS
INSURANCE EXCHANGE,

Defendants.

CIVIL ACTION NO.: 4:21-cv-181

ORDER

On April 26, 2023, the Court entered an Order dismissing without prejudice Plaintiff Encompass Home & Auto Insurance Company’s claims for declaratory relief asserted in the Second Amended Petition for Declaratory Judgment, (doc. 42), for lack of subject matter jurisdiction. (Doc. 96.) In its Order, the Court excluded Defendant CRS Heating & Air, Inc. (“CRS”) from the case caption and erroneously stated that CRS had previously been terminated as a defendant in this action pursuant to a stipulation of dismissal of CRS’s counterclaim against Plaintiff, (doc. 74). (Doc. 96, p. 3 n.2.) In fact, the parties’ stipulation of dismissal provided that Plaintiff’s action would “remain pending against all [Defendants]”—including CRS. (Doc. 74.) Therefore, CRS was still a Defendant in this matter when the Court entered the April 26, 2023, Order, (doc. 96). Ultimately, the Court’s error is inapposite because the Court has determined that it lacks subject matter jurisdiction over this action. That determination is not affected by CRS’s continued presence in this case. However, the Court issues this Order to make certain that the record is clear that Plaintiff’s claims are dismissed as to all Defendants.

Based upon the forgoing, the Clerk is **DIRECTED** to **ENTER** the appropriate judgment in accordance with the Court's instructions in its Order dated April 26, 2023, (doc. 96), and to **CLOSE** the case.

SO ORDERED, this 27th day of April, 2023.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA